

1 PHILLIP A. TALBERT
United States Attorney
2 DAVID L. GAPPAN
Assistant United States Attorney
3 2500 Tulare Street, Suite 4401
Fresno, CA 93721
4 Telephone: (559) 497-4000
Facsimile: (559) 497-4099

5
6 Attorneys for Plaintiff
United States of America
7

8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10
11 UNITED STATES OF AMERICA,

CASE NO. 1:21-CR-00055-JLT-SKO

12 Plaintiff,

PRELIMINARY ORDER OF
13 v.
FORFEITURE

14 MICHAEL DAVID BRACE,

15 Defendant.

16
17 Based upon the guilty pleas entered by defendant Michael David Brace, the admission of the
18 forfeiture allegation, and the plea agreement entered into between the United States of America and
19 defendant Michael David Brace, it is hereby ORDERED as follows:

20 1. Under 18 U.S.C. § 2253(a), defendant Michael David Brace's interest in the following
21 property shall be condemned and forfeited to the United States of America, to be disposed of according
22 to law:

23 a. One red Apple iPhone 8 Plus, IMEI: 354832093744355, and
24 b. One black Apple iPhone 8 Plus, IMEI: 358629093949653.

25 2. The above-listed property contains visual depictions produced, transported, mailed,
26 shipped or received in violation of 18 U.S.C. § 2252(a)(2). It is also property that was used or intended
27 to be used to commit and to promote the commission of the admitted criminal violations.

28 3. Under Rule 32.2(b), the Attorney General (or a designee) shall be authorized to seize the

1 above-listed property. The property shall be seized and held by Homeland Security Investigations, in its
2 secure custody and control.

3 4. a. Under 18 U.S.C. § 2253(b), incorporating 21 U.S.C. § 853(n), and Local Rule 171,
4 the United States shall publish notice of the order of forfeiture. Notice of this Order and notice of the
5 Attorney General's (or a designee's) intent to dispose of the property in such manner as the Attorney
6 General may direct shall be posted for at least thirty (30) consecutive days on the official internet
7 government forfeiture site www.forfeiture.gov. The United States may also, to the extent practicable,
8 provide direct written notice to any person known to have alleged an interest in the property that is the
9 subject of the order of forfeiture as a substitute for published notice as to those persons so notified.

10 b. This notice shall state that any person, other than the defendant, asserting a legal
11 interest in the above-listed property, must file a petition with the Court within sixty (60) days from the
12 first day of publication of the Notice of Forfeiture posted on the official government forfeiture site, or
13 within thirty (30) days from receipt of direct written notice, whichever is earlier.

14 5. If a petition is timely filed, upon adjudication of any third-party interests, this Court will
15 enter a Final Order of Forfeiture under 18 U.S.C. § 2253(a) in which all interests will be addressed.

16 IT IS SO ORDERED.

17 Dated: October 3, 2023



UNITED STATES DISTRICT JUDGE

19
20
21
22
23
24
25
26
27
28